UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,244	11/08/2001	Hiroyuki Ohsawa	35.G2940	5030

5514 7590 02/14/2006		EXAMINER
FITZPATRICK CELLA HARPER & SCINTO		BLACKWELL, JAMES H
30 ROCKEFELLER PLAZA		
NEW YORK, NY 10112	ART UNIT	PAPER NUMBER
	2176	

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	09/986,244	OHSAWA, HIROYUKI
Office Action Summary	Examiner	Art Unit	
	James H. Blackwell	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 November 2005</u>.

2a)☒ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12,14,15,27,29,30,42,44 and 45* is/are pending in the application.

    4a) Of the above claim(s) *13,28 and 43* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *4,12,14,15,27,29,30,42 and 44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>08 November 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to an amendment filed 11/22/2005 with an

original priority date of **11/28/2000**.

2.   Rejection of Claims 12, 27 and 42 under 35 U.S.C. 112, 2nd Paragraph has been

withdrawn.

3.   Claims 12, 14-15, 27, 29-30, 42 and 44-45 remain pending in the application.

4.   Claims 12, 27, and 42 are independent claims.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 12, 14-15, 27, 29-30, 42, and 44-45 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Bloomfield (U.S. Patent No. 6,917,722 filed 09/20/2000,

issued 07/12/2005).

In regard to independent Claim 12 (and similarly independent Claims 27,

and 42), Bloomfield teaches *an operation device for outputting a control command of a*

direction of an image pickup device (Col. 5, lines 5-16; Figs. 1-2 depicts a handheld

device capable of recognizing specific sequences of characters that when transmitted to

a terminal, invoke the terminal to execute applications particular to the character

sequence recognized, be it URLs, email addresses, or telephone numbers).

Bloomfield also teaches *a receiving device for receiving an image picked up by the image pickup device, which is controlled based on the control command of the direction of the image pickup device* (Fig. 2 depicts the handheld image pickup device transmitting the recognized URL, email address, or telephone number to a terminal (e.g., PDA)).

Bloomfield also teaches *a control device for extracting an address corresponding to a predetermined image included in the image received by said receiving device* in that the processor (in the handheld image pickup device) is capable of recognizing the type or nature of the scanned text, if suitably programmed with the simple formatting rules that apply to web page addresses, e-mail addresses and telephone numbers. The processor can then call from memory an application launch code suitable to launch the application appropriate to the detected format of text, such as a browser or e-mail program. This code can be appended to the stored identity of the scanned text to complete the command data necessary to both launch the application and access the desired resource using that application (Col. 5, lines 31-44).

Bloomfield does not explicitly teach a predetermined *image*. However, Bloomfield does teach that the image pickup device contains logic that is able to discern the difference between regular character sequences (e.g. sentences) and those representing URLs, email addresses, or telephone numbers (see above).

It would have been obvious to one of ordinary skill in the art at the time of invention to realize that the image pickup device described by Bloomfield performed recognition and identification of specific character sequences based on predetermined

criteria. Furthermore, the image pickup device receives character sequence in the form of images, which when is OCR'ed by the device, are compared to the predetermined criteria to recognize character sequences corresponding to URLs, email addresses, or telephone numbers. The skilled artisan would have realized that the image pickup device was performing tasks that were functionally equivalent to those tasks claimed.

It further would have been obvious to one of ordinary skill in the art at the time of invention that the handheld image pickup device *monitored what it imaged as a user moved the device over a page containing character sequences*. Once the device scanned a character sequence it recognized as a URL, an email address, or a telephone number, according to predetermined criteria, it would have been converted and eventually transmitted to the terminal device (Col. 6, lines 5-18).

Bloomfield also teaches *an accessing device for accessing the address extracted by the control device corresponding to the predetermined image if the monitoring device monitors that the received image includes the predetermined image and a user performs an operation to designate the predetermined image* (Col. 5, lines 54-58; teaches that once the image pickup device recognizes a URL, email address, or phone number, the user is asked by the device to confirm that it is okay to transmit what was recognized, the user can acknowledge by viewing the display on the image pickup device to visually confirm what was scanned and recognized was indeed what they wanted).

In regard to dependent Claims 14 (and similarly dependent Claims 29, and

44) and 15 (and similarly dependent Claims 30 and 45), Bloomfield teaches that the

address detected and recognized by the handheld image pickup device could be a URL

address, and email address, or a telephone number (Abstract).

Response to Arguments

7.   Applicant's arguments with respect to claims 12, 14-15, 27, 29-30, 42, and 44-45

have been considered but are moot in view of the new ground(s) of rejection. Applicant

argues that the prior art of Rhoades failed to teach at least the limitation of a

predetermined image used to compare what was imaged. The Examiner agrees and

withdraws the rejection. However, the Examiner now introduces the prior art of

Bloomfield which teaches comparisons based on predetermined criteria, interpreted and

argued by the Examiner to be functionally equivalent to predetermined images.

Conclusion

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

9.   A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to James H. Blackwell whose telephone number is 571-

272-4089. The examiner can normally be reached on Mon-Fri.

11.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

12.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

James H. Blackwell
02/01/2006

WILLIAM BASHORE
PRIMARY EXAMINER
2/5/2006